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GOVERNMENT OF MADRAS
LAW (LEGISLATIVE) DEPARTMENT

THE MADRAS STAMP (AMENDMENT) ACT, 1922

MADRAS ACT No. VI OF 1922

AS MODIFIED UP TO THE 1ST MAY 1923

விவேகானந்த புத்தகசாலை
ஹிந்து பாரம்பரிய சங்கம்
காரைக்குடி.

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References to papers connected with the principal Act and the amending Act in their Bill stages :—

(1) THE MADRAS STAMP (AMENDMENT) ACT, 1922, ACT VI OF 1922.

For Statement of Objects and Reasons see *Fort St. George Gazette*, 1922, Part IV, dated 7th February 1922, page 41, and for Proceedings in Council see Proceedings, dated 17th February 1922, pages 2379–2392 of Volume V of the Madras Legislative Council Proceedings; *ibid.*, dated 14th March 1922, pages 2852–2876 *ibid.*; *ibid.*, dated 15th March 1922, pages 2902–2924 of Volume VI of the Madras Legislative Council Proceedings.

(2) THE MADRAS STAMP (AMENDMENT) ACT, 1923, ACT VI OF 1923.

For Statement of Objects and Reasons see *Fort St. George Gazette*, 1923, Part IV, dated 9th January 1923, page 2 and for Proceedings in Council see Proceedings, dated 6th February 1923, pages 1724–1725 of Volume XI of the Madras Legislative Council Proceedings.

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THE MADRAS STAMP (AMENDMENT) ACT, 1922

MADRAS ACT No. VI OF 1922

(AS MODIFIED UP TO THE 1st MAY 1923)

PASSED BY THE LEGISLATIVE COUNCIL OF MADRAS

Received the assent of the Governor on the 30th March 1922 and that of the Governor-General on the 18th April 1922; the assent of the Governor-General was first published in the "Fort St. George Gazette" of the 25th April 1922.

An Act to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras.

II of 1899.

Preamble.

WHEREAS it is expedient to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras;

And whereas the previous sanction of the Governor-General has been obtained under section 80-A, sub-section (3), of the Government of India Act to the passing of this Act;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Madras Stamp (Amendment) Act, 1922.

(*2*) It extends to the whole of the Presidency of Madras.

Interpretation clause.

2. In this Act the words "the principal Act" shall mean the Indian Stamp Act, 1899.

Amendment of clause (10) of section 2 of Act II of 1899.

3. To clause (10) of section 2 of the principal Act the following shall be added, namely:—"or by Schedule I-A, as the case may be."

Amendment of section 3.

4. In section 3 of the principal Act,—

(*1*) after clause (*c*) the following shall be inserted, namely:—

"Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clauses (*a*) or (*c*) of this section or in Schedule I, the amount indicated in Schedule I-A shall, subject to

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the exceptions contained in that schedule, be the duty chargeable on the following instruments :—

(*aa*) every instrument, mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed in the Presidency of Madras on or after the first day of April 1922;

(*bb*) every instrument mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed out of the Presidency of Madras on or after the first day of April 1922, and relates to any property situated or to any matter or thing done or to be done in the said Presidency and is received in the said Presidency."

(*2*) after the word "Provided" the word "also" shall be inserted.

Amendment of section 4.

5. In sub-section (1) of section 4 of the principal Act—

(*a*) after the words and figure "in Schedule I," the words, figure and letter "or in Schedule I-A as the case may be" shall be inserted;

(*b*) after the words "one rupee" the words "or one rupee eight annas" shall be inserted;

(*c*) for the words "in that Schedule" the words, figures and letter "in Schedule I or in Schedule I-A as the case may be" shall be substituted.

Amendment of section 6.

6. In section 6 of the principal Act, after the word and figure "Schedule I" the words, figure and letter "or in Schedule I-A as the case may be" and after the words "one rupee" the words "or one rupee eight annas as the case may be" shall be inserted.

Addition of a new section 19-A.

7. After section 19 the following shall be inserted, namely :—

"19-A. Where any instrument has become chargeable in any part of British India other than the Presidency of Madras with duty under the Stamp law in force in that part of British India and thereafter becomes chargeable with a higher rate of duty in the said Presidency under clause (*bb*) of the first proviso to section 3—

Payment of duty on certain instruments liable to increased duty under clause (*bb*) of section 3.

(*i*) notwithstanding anything contained in the first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I-A less the amount of duty, if any, already paid on it in British India,

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(*ii*) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (*i*) in the same manner and at the same time and by the same persons as though such instrument were an instrument received in British India for the first time at the time when it became chargeable with the higher duty, and

(*iii*) the provisions contained in clause (*b*) or clause (*c*), as the case may be, of the proviso to sub-section (*3*) of section 32 shall, with the necessary modifications, apply to such instrument, but the provisions contained in clause (*a*) of the said proviso shall not apply thereto."

Amendment of section 23-A.

8. In sub-section (1)[1] of section 23-A after the word and figure "Schedule I" the words, figure and letter "or article No. 4 (*c*) of Schedule I-A as the case may be" shall be inserted.

Amendment of section 24.

9. In section 24 after the word and figure "Schedule I" the words, figures and letter "or article 16 of Schedule I-A as the case may be" shall be inserted.

Amendment of section 29.

10. In clause (*a*) of section 29 after the word and figure "Schedule I" the words, figure and letter "or the corresponding articles of Schedule I-A as the case may be" shall be inserted.

Amendment of section 32.

11. In clause (*c*) of the proviso to sub-section (*3*) of section 32, after the words "half an anna," the following shall be inserted, namely:—

"or a mortgage of crop [article 34 (*a*) of Schedule I-A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of two annas."

Amendment of sections 35, 40 and 41.

12. In clause (*a*) of the proviso to section 35, in sub-section (*1*) of section 40 and in section 41, after the words "half an anna only," the following shall be inserted, namely:—

"or a mortgage of crop [article 34 (*a*) of Schedule I-A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of two annas."

Addition of a new Schedule I-A.

13. After Schedule I of the principal Act the following shall be inserted, namely:—

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[1] "(*b*)" was omitted by section 2 of Madras Act VII of 1923.

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SCHEDULE I-A

Stamp-duty on certain Instruments under the Madras Stamp (Amendment) Act, 1922.

(*See* Section 3, first proviso.)

Description of instrument.	Proper stamp duty.
1. ADMINISTRATION-BOND, including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, section 78 of the Probate and Administration Act, 1881, or section 9 or section 10 of the Succession Certificate Act, 1889—	
(*a*) where the amount does not exceed Rs. 1,000;	The same duty as a bond (No. 13) for such amount.
(*b*) in any other case ...	Ten rupees.
2. ADOPTION-DEED, that is to say, any instrument (other than a will), recording an adoption, or conferring or purporting to confer an authority to adopt.	Fifteen rupees.
ADVOCATE—*See* Entry as an Advocate (No. 25).	
3. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Two rupees.
Exemptions.	
Affidavit or declaration in writing when made—	
(*a*) as a condition of enlistment under the Indian Army Act, 1911;	
(*b*) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or	
(*c*) for the sole purpose of enabling any person to receive any pension or charitable allowance.	

X of 1865. V of 1873. V of 1881. VII of 1889. VIII of 1911.

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Description of instrument.	Proper stamp duty.
4. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—	
(*a*) if relating to the sale of a bill of exchange;	Three annas.
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate;	Subject to a maximum of fifteen rupees one and-a-half annas for every Rs. 10,000 or part thereof, of the value of the security or share.
(*c*) if not otherwise provided for.	Twelve annas.
Exemptions.	
Agreement or memorandum of agreement—	
(*a*) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 36;	
(*b*) made in the form of tenders to the Government of India for, or relating to, any loan;	
(*c*) made under the European Vagrancy Act, 1874, section 17.	IX of 1874.
AGREEMENT TO LEASE—*See* Lease (No. 30).	
5. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	
(2) the pawn or pledge of movable property,	

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Description of instrument.		Proper stamp duty.								
where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—										
(*a*) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—		If drawn singly.			If drawn in set of two for each part of the set.			If drawn in set of three for each part of the set.		
	RS.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
(*i*) when the amount of the loan or debt does not exceed ...	200	0	4	6	0	3	0	0	1	6
(*ii*) when it exceeds Rs. 200 but does not exceed.	400	0	9	0	0	4	6	0	3	0
Do. 400 do.	600	0	13	6	0	7	6	0	4	6
Do. 600 do.	800	1	2	0	0	9	0	0	6	0
Do. 800 do.	1,000	1	6	6	0	12	0	0	7	6
Do. 1,000 do.	1,200	1	11	0	0	13	6	0	9	0
Do. 1,200 do.	1,600	2	4	0	1	2	0	0	12	0
Do. 1,600 do.	2,500	3	6	0	1	11	0	1	2	0
Do. 2,500 do.	5,000	6	12	0	3	6	0	2	4	0
Do. 5,000 do.	7,500	[1]10	2	0	5	1	0	3	6	0
Do. 7,500 do.	10,000	13	8	0	6	12	0	4	8	0
Do. 10,000 do.	15,000	20	4	0	10	2	0	6	12	0
Do. 15,000 do.	20,000	27	0	0	13	8	0	9	0	0
Do. 20,000 do.	25,000	33	12	0	16	14	0	11	4	0
Do. 25,000 do.	30,000	40	8	0	20	4	0	13	8	0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000 ...		13	8	0	6	12	0	4	8	0
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.		Half the duty payable on a loan or debt under clause (*a*) (*i*) or clause (*a*) (*ii*) for the amount secured. [Stamp duty of quarter anna shall be reckoned as half anna and three quarter anna as one anna.][2].								
Exemption. Instrument of pawn or pledge of goods if unattested.										

[1] "10-2-0" was substituted for "10-0-0" by section 3 (*a*) of Madras Act VI of 1923.

[2] These words were added by section 3 (*b*) of Madras Act VI of 1923.

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Description of instrument.	Proper stamp duty.
6. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.	Twenty-five rupees.
7. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 14) for such amount.
(*b*) in any other case ...	Seven rupees eight annas.
Exemptions.	
(*a*) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
8. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being Articles of Clerkship (No. 10).	Seven rupees eight annas.
Exemption.	
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by, or at the charge of, any public charity.	XIX of 1850.

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Description of instrument.	Proper stamp duty.
9. ARTICLES OF ASSOCIATION OF A COMPANY. *Exemption.* Articles of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913. VII of 1913. *See* also Memorandum of Association of a Company (No. 32).	Fifty rupees.
10. ARTICLES OF CLERKSHIP or contract, whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court. ASSIGNMENT—*See* Conveyance (No. 19), Transfer (No. 50), and Transfer of lease (No. 51), as the case may be. ATTORNEY—*See* Entry as an Attorney (No. 25), and Power-of-attorney (No. 40). AUTHORITY TO ADOPT—*See* Adoption-deed (No. 2).	Three hundred and seventy-five rupees
11. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit— (*a*) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 14) for such amount.

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Description of instrument.	Proper stamp duty.	
(*b*) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000;	Ten rupees.	
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	Eight annas subject to a maximum of fifty rupees	
Exemption.		
Award under the Bombay District Municipal Act, 1901, section 160, or the Bombay Hereditary Offices Act, 1874, section 18.		Bom. Act III of 1901. Bom. Act III of 1874.
12. BILL OF LADING (including a through bill of lading).	Six annas. *N.B.*—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.	
Exemptions.		
(*a*) Bill of lading when the goods therein described are received at a place within the limits of any port, as defined under the Indian Ports Act, 1908, and are to be delivered at another place within the limits of the same port.		XV of 1908.
(*b*) Bill of lading when executed out of British India and relating to property to be delivered in British India.		
13. BOND [as defined by section 2 (*5*)], not being a DEBENTURE (No. 23), and not being otherwise provided for by this Act, or by the Court-fees Act, 1870—		VII of 1870.
where the amount or value secured does not exceed Rs. 10;	Two annas	

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Description of instrument.	Proper stamp duty.
where it exceeds Rs. 10 and does not exceed Rs. 50;	Four annas.
where it exceeds Rs. 50 and does not exceed Rs. 100;	Eight annas.
where it exceeds Rs. 100 and does not exceed Rs. 200;	One rupee four annas.
where it exceeds Rs. 200 and does not exceed Rs. 300;	One rupee fourteen annas.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Two rupees eight annas.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Three rupees two annas.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rupees 1,000.	Three rupees twelve annas.
See Administration Bond (No. 1), Bottomry Bond (No. 14), Customs Bond (No. 22), Indemnity Bond (No. 29), Respondentia Bond (No. 45), Security Bond (No. 46).	
Exemptions.	
Bond, when executed by—	
(*a*) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	

Ben. Act III of 1876.

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Description of instrument.	Proper stamp duty.
(*b*) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.	
14. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—	
where the amount or value secured does not exceed Rs. 10;	Three annas
where it exceeds Rs. 10 and does not exceed Rs. 50;	Six annas.
where it exceeds Rs. 50 and does not exceed Rs. 100;	Twelve annas.
where it exceeds Rs. 100 and does not exceed Rs. 200;	One rupee eight annas.
where it exceeds Rs. 200 and does not exceed Rs. 300;	Two rupees four annas.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Three rupees twelve annas.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees twelve annas.

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Description of instrument.	Proper stamp duty.
15. CANCELLATION. — Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees eight annas.
See also RELEASE (No. 44), Revocation of Settlement (No. 47-B), Surrender of Lease (No. 49), Revocation of Trust (No. 52-B).	
16. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue officer—	
(*a*) where the purchase-money does not exceed Rs. 10;	Three annas.
(*b*) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25;	Six annas.
(*c*) in any other case ...	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the purchase-money only.
17. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.	Two rupees
18. COMPOSITION-DEED, that is to say, any instrument executed by a debtor, whereby he conveys	Fifteen rupees.

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Description of instrument.	Proper stamp duty.
his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	
19. CONVEYANCE [as defined by section 2 (*10*)], not being a Transfer charged or exempted under No. 50—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50;	Twelve annas.
where it exceeds Rs. 50 but does not exceed Rs. 100;	One rupee eight annas.
where it exceeds Rs. 100 but does not exceed Rs. 200;	Three rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300;	Four rupees eight annas.
where it exceeds Rs. 300 but does not exceed Rs. 400;	Six rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500;	Seven rupees eight annas.
where it exceeds Rs. 500 but does not exceed Rs. 600;	Nine rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700;	Ten rupees eight annas.
where it exceeds Rs. 700 but does not exceed Rs. 800;	Twelve rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900;	Thirteen rupees eight annas.
where it exceeds Rs. 900 but does not exceed Rs. 1,000;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees eight annas.
Exemptions.	
Assignment of copyright under the Indian Copyright Act, 1914, section 5.	III of 1914.
CO-PARTNERSHIP DEED—*See* Partnership (No. 39).	

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Description of instrument.	Proper stamp duty.
20. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(*i*) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee ;	Twelve annas.
(*ii*) in any other case ..	One rupee eight annas
Exemptions.	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials	
21. COUNTERPART OR DUPLICATE of any instrument, chargeable with duty and in respect of which the proper duty has been paid—	
(*a*) if the duty with which the original instrument is chargeable does not exceed one rupee eight annas ;	The same duty as is payable on the original.
(*b*) in any other case ..	One rupee eight annas.
Exemption.	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	

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Description of instrument.	Proper stamp duty.
22. CUSTOMS-BOND—	
(*a*) where the amount does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount.
(*b*) in any other case ..	Ten rupees.
23. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable—	
(*a*) by endorsement or by a separate instrument of transfer ;	The same duty as a Bottomry Bond (No. 14) for the same amount.
(*b*) by delivery ..	The same duty as a Conveyance (No. 19) for a consideration equal to the face amount of the debenture.
Explanation.—The term " Debenture " includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.	
Exemption.	
A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders ; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.	

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Description of instrument.	Proper stamp duty.
See also Bond (No. 13) and sections 8 and 55. DECLARATION OF ANY TRUST. *See* Trust (No. 52).	
DEPOSIT OF TITLE-DEEDS—*See* Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5).	
DISSOLUTION OF PARTNERSHIP—*See* Partnership (No. 39).	
24. DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Two rupees.
DOWER—Instrument of—*See* Settlement (No. 47).	
DUPLICATE—*See* Counterpart (No. 21).	
25. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884— IX of 1884.	
(*a*) in the case of an Advocate or Vakil;	Six hundred and twenty-five rupees.
(*b*) in the case of an Attorney.	Three hundred and twelve rupees eight annas.
Exemption.	
Entry of an Advocate, Vakil or Attorney on the roll of any High Court, when he has previously been enrolled in a High Court.	
26. EXCHANGE OF PROPERTY—Instrument of.	The same duty as a Conveyance (No. 19) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT—*See* Copy (No. 20).	

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Description of instrument.	Proper stamp duty.
27. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article No. 33 (that is, with possession);	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the further charge secured by such instrument.
(*b*) when such mortgage is one of the description referred to in clause (*b*) of Article No. 33 (that is, without possession)—	
(*i*) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;	The same duty as a Conveyance (No. 19) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made), less the duty already paid on such original mortgage and further charge.
(*ii*) if possession is not so given.	The same duty as a Bottomry Bond (No. 14) for the amount of the further charge secured by such instrument.
28. GIFT—Instrument of, not being a Settlement (No. 47), or Will or Transfer (No. 50).	The same duty as a Conveyance (No. 19) for a consideration equal to the value of the property as set forth in such instrument.
HIRING AGREEMENT or agreement for service—*See* Agreement (No. 4).	
29. INDEMNITY-BOND ..	The same duty as a Security Bond (No. 46) for the same amount.
INSPECTORSHIP-DEED—*See* Composition-deed (No. 18).	

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Description of instrument.	Proper stamp duty.
30. LEASE, including an under-lease or sub-lease and any agreement to let or sub-let—	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered—	
(*i*) where the lease purports to be for a term of less than one year ;	The same duty as a Bottomry Bond (No. 14) for the whole amount payable or deliverable under such lease.
(*ii*) where the lease purports to be for a term of not less than one year, but not more than five years ;	The same duty as a Bottomry Bond (No. 14) for the amount or value of the average annual rent reserved.
(*iii*) where the lease purports to be for a term exceeding five years and not exceeding ten years ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of the average annual rent reserved.
(*iv*) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years ;	The same duty as a Conveyance (No. 19) for a consideration equal to twice the amount or value of the average annual rent reserved.
(*v*) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years ;	The same duty as a Conveyance (No. 19) for a consideration equal to three times the amount or value of the average annual rent reserved.
(*vi*) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years ;	The same duty as a Conveyance (No. 19) for a consideration equal to four times the amount or value of the average annual rent reserved.
(*vii*) where the lease purports to be for a term exceeding one hundred years or in perpetuity ;	The same duty as a Conveyance (No. 19) for a consideration equal to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

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Description of instrument.	Proper stamp duty.
(*viii*) where the lease does not purport to be for any definite term ;	The same duty as a Conveyance (No. 19) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(*b*) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease.
(*c*) where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered : Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed twelve annas.
Exemptions.	
(*a*) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is	

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Description of instrument.	Proper stamp duty.
expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees. (*b*) Leases of fisheries granted under the Burma Fisheries Act, 1905, or the Upper Burma Land and Revenue Regulation, 1889. Bur. Act III of 1905. III of 1889. *Explanations.*—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.	
LETTER OF GUARANTEE—*See* Agreement (No. 4).	
31. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Fifteen rupees.
32. MEMORANDUM OF ASSOCIATION OF A COMPANY—	
(*a*) if accompanied by articles of association under section 17 of the Indian Companies Act, 1913. VII of 1913.	Thirty rupees.
(*b*) if not so accompanied.	Eighty rupees.

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Description of instrument.	Proper stamp duty.
Exemptions. Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913.	VII of 1913.
33. MORTGAGE-DEED, not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5), Bottomry Bond (No. 14), Mortgage of a Crop (No. 34), Respondentia Bond (No. 45), or Security Bond (No. 46)--	
(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount secured by such deed.
(*b*) when possession is not given or agreed to be given as aforesaid;	The same duty as a Bottomry Bond (No. 14) for the amount secured by such deed.
Explanation.--A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article;	
(*c*) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000;	Twelve annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Do.

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Description of instrument.	Proper stamp duty.
Exemptions. (1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, or by their sureties as security for the repayment of such advances. XIX of 1883. XII of 1884. (2) Letter of hypothecation accompanying a bill of exchange.	
34. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—	
(*a*) when the loan is repayable not more than three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200;	Two annas.
and for every Rs. 200 or part thereof secured in excess of Rs. 200:	Do.
(*b*) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument—	
for every sum secured not exceeding Rs. 100;	Three annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Do.

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Description of instrument.	Proper stamp duty.
35. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a PROTEST (No. 41) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public. *See* also Protest of Bill or Note (No. 41).	One rupee eight annas.
36. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(*a*) of any goods exceeding in value twenty rupees;	Three annas.
(*b*) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of fifteen rupees, two annas for every Rs. 10,000 or part thereof of the value of the stock or security.
37. NOTE OF PROTEST BY THE MASTER OF A SHIP—*See* also Protest by the Master of a ship (No. 42).	One rupee.
38. PARTITION—Instrument of [as defined by section 2 (15)].	The same duty as a Bottomry Bond (No. 14) for the amount of the value of the separated share or shares of the property. *N.B.*—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated :

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Description of instrument.	Proper stamp duty.
	Provided always that— (*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than twelve annas; (*b*) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue; (*c*) where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed twelve annas.
39. PARTNERSHIP —	
A.—Instrument of —	
(*a*) where the capital of the partnership does not exceed Rs. 500;	Five rupees.
(*b*) in any other case ..	Twenty rupees.
B.—Dissolution of — ..	Ten rupees.
PAWN OR PLEDGE—*See* Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5).	

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Description of instrument.	Proper stamp duty.
40. POWER-OF-ATTORNEY—[as defined by section 2 (*21*)] not being a Proxy—	
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	Twelve annas.
(*b*) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882;	Do. XV of 1882
(*c*) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (*a*);	One rupee eight annas.
(*d*) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally;	Seven rupees eight annas.
(*e*) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Fifteen rupees.
(*f*) when given for consideration and authorizing the attorney to sell any immovable property;	The same duty as a Conveyance (No. 19) for the amount of the consideration.
(*g*) in any other case ...	One rupee eight annas for each person authorized.

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Description of instrument.	Proper stamp duty.
Explanation.—For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person. XVI of 1908.	*N.B.*—The term "Registration" includes every operation incidental to registration under the Indian Registration Act, 1908.
41. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.	Two rupees.
42. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such. *See* also Note of Protest by the Master of a ship (No. 37).	Two rupees.
43. RECONVEYANCE OF MORTGAGED PROPERTY—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000;	The same duty as a Conveyance (No. 19) for the amount of such consideration as set forth in the reconveyance.
(*b*) in any other case ...	Fifteen rupees.
44. RELEASE, that is to say, any instrument (not being such	

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Description of instrument.	Proper stamp duty.
a release as is provided for by section 23-A), whereby a person renounces a claim upon another person or against any specified property—	
(*a*) if the amount or value of the claim does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount or value as set forth in the release.
(*b*) in any other case ...	Seven rupees eight annas.
45. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No. 14) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT—*See* Settlement (No. 47) ; Trust (No. 52).	
46. SECURITY BOND OR MORTGAGE-DEED, executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—	
(*a*) when the amount secured does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for the amount secured.
(*b*) in any other case ...	Seven rupees eight annas.
Exemptions.	
Bond or other instrument, when executed—	
(*a*) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;	Ben. Act III of 1876.

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Description of instrument.	Proper stamp duty.
(*b*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital, or any other object of public utility, shall not be less than a specified sum per mensem ;	
(*c*) under No. 3-A of the rules made by the Governor of Bombay in Council, under section 70 of the Bombay Irrigation Act, 1879 ;	
Bom. Act VII of 1879.	
(*d*) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances ;	
XIX of 1883.	
XII of 1884.	
(*e*) executed by officers of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof.	
47. SETTLEMENT—	
A.—Instrument of—(including a deed of dower).	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property settled as set forth in such settlement.

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Description of instrument.	Proper stamp duty.
	Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed twelve annas.
Exemptions. (*a*) Deed of dower executed on the occasion of a marriage between Muhammadans. (*b*) Hludassa, that is to say, any settlement of immovable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.	
B.—Revocation of — ...	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding fifteen rupees.
See also Trust (No. 52).	
48. SHARE WARRANTS to bearer issued under the Indian Companies Act, 1913.	One-and-a-half times the duty payable on a Conveyance (No. 19) for a consideration equal to the nominal amount of the shares specified in the warrant. VII of 1913.
Exemptions. Share warrant when issued by a company in pursuance of the Indian Companies Act, 1913, section 43, to have effect only upon payment, as composition for	VII of 1913.

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Description of instrument.	Proper stamp duty.
that duty, to the Collector of Stamp-revenue of— (*a*) one-and-a-half per centum of the whole subscribed capital of the company; or (*b*) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital one-and-a-half per centum of the additional capital so issued.	
19. SURRENDER OF LEASE— (*a*) when the duty with which the lease is chargeable does not exceed seven rupees eight annas;	The duty with which such lease is chargeable.
(*b*) in any other case. . .	Seven rupees eight annas.
Exemption. Surrender of lease, when such lease is exempted from duty.	
50. TRANSFER (whether with or without consideration)— (*a*) of shares in an incorporated company or other body corporate;	One-half of the duty payable on a Conveyance (No. 19) for a consideration equal to the value of the share.
(*b*) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	One-half of the duty payable on a Conveyance (No. 19) for a consideration equal to the face amount of the debenture.
(*c*) of any interest secured by a bond, mortgage-deed or policy of insurance,— (*i*) if the duty on such bond, mortgage-deed	The duty with which such bond, mortgage-deed or

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Description of instrument.	Proper stamp duty.
or policy does not exceed [1][seven rupees eight annas]	policy of insurance is chargeable.
(*ii*) in any other case . .	Seven rupees eight annas.
(*d*) of any property under the Administrator-General's Act, 1913, section 25;	Fifteen rupees. III of 1913.
(*e*) of any trust-property from one trustee to another trustee, or from a trustee to a beneficiary.	Seven rupees eight annas or such smaller amount as may be chargeable under clauses (*a*) to (*c*) of this article.
Exemptions.	
Transfers by endorsement—	
(*a*) of a bill of exchange, cheque or promissory note;	
(*b*) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;	
(*c*) of a policy of insurance;	
(*d*) of securities of the Government of India.	
See also section 8.	
51. TRANSFER OF LEASE by way of assignment, and not by way of under-lease.	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the consideration for the transfer.
Exemption.	
Transfer of any lease exempt from duty.	
52. TRUST—	
A.—DECLARATION OF — of, or concerning, any property when made by any writing not being a Will.	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding twenty-two rupees eight annas.

[1] These words were substituted for "five rupees" by section 3 (*c*) of Madras Act VI of 1923.

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Description of instrument.	Proper stamp duty.
B.—Revocation of — of, or concerning, any property when made by any instrument other than a Will. *See* also Settlement (No. 47). Valuation—*See* Appraisement (No. 7). Vakil—*See* Entry as a Vakil (No. 25).	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding fifteen rupees.
53. Warrant for goods, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Six annas.

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